

National Park Service



Concession Management

Commercial Use Authorizations

**America Outdoors Confluence, Salt Lake City, UT
November 29, 2006**

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- Program Office draft of new Proposed Rule ready for approval for publication in *Federal Register*
- Review of provisions of PL 105-391
- Understand common concerns with initial 2002 rule
- Differences in the original published draft rule and the latest version of the draft rule
- NPS 2005 internal Interim Guidance

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Section 418 of PL 105-391 requires that:

- Services will:
 - have minimal impact on resources and values of the **unit** of the National Park System
 - be consistent with the purpose for which the unit was established and with all applicable management plans and park policies and regulations
 - be accomplished consistent with preservation and conservation of park resources and values :
- Liability of the government is limited
- A reasonable fee must be collected by the NPS for the issuance of an authorization to recover costs

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Section 418 requirements continued:

- Two types of authorizations will be issued
 - Incidental activity commercial use authorizations (requiring that services originate and terminate outside the park)
 - In-park commercial use authorizations when gross revenue are less than \$25,000 per year.;
- Non-profit institutions are not required to obtain a CUA
- No construction will be allowed within these authorizations and;
- Maximum duration of these authorizations will be two years and do not provide for a preference in renewal.
- Number of authorizations issued must be consistent with the preservation and conservation of park resources and values

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Issues of Interest:

- Term of a CUA limited to two years
- No preference in renewal permitted
- Gross receipts of an in-park services CUA limited to a maximum of \$25,000
- Non-profit organizations exempted from obtaining CUAs
- Random selection when permits are limited
- Visitor use limitation
- Cumbersome application and reporting process
- Concern regarding fee and cost recovery provisions

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What are differences from October 2002 Published Rule and the new draft Proposed Rule?

- Random selection is eliminated and emphasis will be placed on qualified applicants who can provide quality visitor services
- Clarification regarding non-profit group permitting requirements.
- CUAs will be issued for Commercial Tours
- Preamble discussion will inform public of legal requirements

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Interim Guidance:

- Implements in very broad terms, the specific requirements of the law for units of the NPS
- Specific provisions will be adopted after rule if finalized
- Parks will be receiving in December for implementation in 2006

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- **Interim Guidance allows for parks to:**
 - Limit the number of permits for resource protection
 - Issue in-park CUA when gross receipts are expected to be less than \$25,000 annually
 - Continue current application and fee process
 - Management at the local level with consultation for some of the new provisions required with regional staff for limitations and issuance of in-park CUAs for consistency

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Next Steps:

- Recommended to the Director by the Concession Management Advisory Board
 - Publish in the *Federal Register* for additional comment
- Begin to develop more specific guidance, Director's Order, a reference manual and training